ple, this uncertainty should have rendered both notes non-negotiable. When the time of maturity depends on extraneous facts, and cannot be ascertained from the face of the note, difficulties arise which are readily apparent. But these difficulties have had little or no weight in the courts of America and England. Such common instruments as demand notes are open to objection on this ground. Analogous to the Michigan cases under discussion is a series of decisions, beginning with *Carlon* v. *Kenealy*, 12 M. & W. 139, and including the recent cases of *Merrill* v. *Hurley*, 62 N. W. Rep. 958 (S. Dak.), and *Stark* v. *Olsen*, 63 N. W. Rep. 37 (Neb.), which establish that where the principal or interest of a note is made payable in instalments, with a provision that the face of the note shall become due in case of default in the payment of any instalment, the note is not rendered non-negotiable. It would seem, therefore, to be too late to object to a note on the ground that inspection will not reveal whether or not it is overdue. The doctrine that it is sufficient if the instrument is payable at a time that must certainly come, is now firmly established in our law. There is, to be sure, one class of cases, of which *Smith* v. *Marland*, 59 Iowa, 645, is an example, that seem in reality inconsistent with this. But the doctrine is not expressly repudiated, for the courts rest their decisions on the ground of uncertainty in the amount payable on the notes. Uncertainty of this sort is as fatal to negotiability to day as ever, notwithstanding the recognition of notes providing for payment of attorney's fees, cost of collection, etc. Those cases where the additional promise is merely to facilitate collection go as far as is justifiable. Although *Brooke* v. *Struthers*, *supra*, has been criticised as resting on narrow grounds, and as being at variance with modern business methods, it seems to have been an entirely correct decision under the present state of the law.

COMMON LAW PLEADING. — "And, so long as written pleadings remain, the best masters of the art will be they who can inform the apparent license of the new system with that spirit of exactness and self-restraint which flows from a knowledge of the old." Thus, in his address to the American Bar Association at Saratoga last summer, Sir Montague Crackenthorpe, Q. C., spoke with reference to the utility of the study of common law pleading, swept away in the wave of legal reform, which resulted in the English Judicature Act of 1873. Since that time the matchless precision of the old system, the growth of centuries of legal experience, has been replaced by a looseness of which the chief effect is to put a premium on ignorance and sloth. Common law pleading was the mill of justice in which an undefined, obscure mass of fact was ground down to clear and distinct issues. All the parts of this admirable machinery, each logically developed to this single end, worked in harmony to its accomplishment. In consequence, the court could ascertain the steps of law by reference to an intelligible record, the counsel each knew exactly what he must stand ready to prove, and the jury were required to hear evidence only on the definite issue of fact reached.

In the hands of those who understood it, the system was infallible in attaining the purpose for which it existed. If all who brought causes to trial had possessed a proper acquaintance with this branch of law and a reasonable mental alertness, it would never have been hinted that pleading was a means of turning the decision of a question from "the very

right of the matter" to immaterial points. But pleaders of inferior and slovenly mental disposition suffered themselves to be misled, deliberately it is to be feared, by their more acute brethren; and the popular mind came to consider the whole system a mere series of traps and pitfalls for the unwary, — an impediment to justice that must be abolished. In truth, even these evils might well have been remedied by allowing free liberty of amendment, and reducing to a moderate sum the costs payable on the grant of such privilege. Those concerned in reform movements, however, often lose sight of their real object in a feverish anxiety to "cut deep" and at once; and this explains why the system for bringing a cause to trial in convenient and exact form was discarded. There can be no question that the study of common law pleading affords refined and keen intellectual exercise, and those who believe that "order is Heaven's first law" will insist, with Sir Montague Crackenthorpe, that it is still of practical benefit.

THE SELDEN SOCIETY. — If the plan should meet with sufficient encouragement and support, the Selden Society may undertake a complete edition of the Year Books. The Secretary and Treasurer for the United States, Mr. Richard W. Hale, of 10 Tremont Street, Boston, would be glad to receive any expressions of American opinion on the subject which might help in determining the course of the Society.

Proofs of parts of the Society's volumes on Early Equitable Records and Admiralty records (the second volume on the latter subject) are already on this side of the water; but it is difficult, as usual, to fix any certain date for final publication. Some of the early equity cases show a curious resemblance to the recent use of injunction proceedings in the demands which are made on the chancery power for the preservation of the peace. In a case of A. D. 1410, the petitioners allege "that the said William Ralph and Thurston [defendants] and others of their assent and covin have so seriously menaced the said suppliants from day to day of life and limb that they dare not pass their town nor work in the office that they have to do to the use of our said Lord the King nor about their own business for fear of being killed or murdered by the said evildoers." This is of course nothing new about early equity, but it comes at a time when the comparison naturally occurs to one. There is also a bill to enjoin a libel against a clergyman on the (seeming) ground of irreparable evil to the Holy Church. Among the Admiralty proofs may be found a plea of deviation to a policy of insurance in 1547. There is every indication of two interesting volumes.

PHYSICAL SUFFERING RESULTING FROM MENTAL SHOCK. — A decision of high authority has recently been added to the controversy started by the case of *Victorian Railways Commissioners* v. *Coultas*, 13 App. Cas. 222, concerning what is generally and improperly known as "mental suffering." Last June the English Court of Appeal held that a plaintiff who became physically incapacitated for work through mental excitement and fright could recover under the terms of a policy insuring him "absolutely for all accidents, however caused, occurring . . . in the fair and ordinary discharge of his duty." *Pugh* v. *London, Brighton, and South Coast Railway Co.*, [1896] 2 Q. B. 248. Lord Esher, M. R., expressly distinguished the *Coultas* case (*supra*), and properly, in so far as that was an action